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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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WORKMAN NYDEGGER/MICROSOFT				
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EXAMINER				
ANDERSON, JOHN A				
ART UNIT		PAPER NUMBER		
3696				
MAIL DATE		DELIVERY MODE		
10/16/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/811,654

Applicant(s)

GUZIK ET AL.

Examiner

JOHN A. ANDERSON

Art Unit

3696

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 June 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2, 4-26 and 28-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4-26 and 28-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/S5108)
Paper No(s)/Mail Date 07/02/2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application.
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. In the amendment filed 06/15/2009 claims 1-2,4-26,28-30 are pending and are presented for examination.

Information Disclosure Statement

2. The information disclosure statement dated 07/02/2004 has been considered.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1,5 – 10, 12-16, 18-20, 23-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Buus et al. (PGPub 2003/0110249)

5. As regards claims 1,5 – 10, 12-16, 18-20, 23-28, Buus discloses a method and corresponding key performance indicator(KPI) system comprising:
a client device user interface component;[0010;0020;0026]

a processor component that receives KPI identification information from the interface component for one or more KPIs and generates a KPI document, wherein the KPI document identifies the one or more KPIs to be retrieved based upon identification information received from the interface component and information identifying how to retrieve each KPI, the KPI document including text and graphical display parameters for each KPI; [0009;0021]

a query component that employs the KPI document to retrieve KPI information from one or more data stores, generate a result document, and transfer the result document back to the interface component.[0004;0029;0035;0059]

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:
 1. Determining the scope and contents of the prior art.
 2. Ascertaining the differences between the prior art and the claims at issue.
 3. Resolving the level of ordinary skill in the pertinent art.
 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

8. Claims 2,4,11,17, 21-22, 29-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buus et al. (PGPub 2003/0110249) and in view of Pokorny M.R. (PGPub 2003/0154144).
9. As regards Claims 2,4,11,17, 21-22, 29-30, Buus discloses a system and corresponding key performance indicator(KPI) method comprising:
a client device user interface component; [0010; 0020]
- a processor component that receives KPI identification information from the interface component for one or more KPIs and generates a KPI document, wherein the KPI document identifies the one or more KPIs to be retrieved based upon identification information received from the interface component and information identifying how to retrieve each KPI, the KPI document including text and graphical display parameters for each KPI; [0009]
- a query component that employs the KPI document to retrieve KPI information from one or more data stores, generate a result document, and transfer the result document back to the interface component.[0029]
- Buus does not disclose the system of claim 1,
wherein the KPI document comprises database name, connection string, and KPI name for each KPI;

Pokorny discloses The system of claim 1, wherein the KPI document comprises database name, connection string, and KP Iname for each KPI.[0011]

It would have been obvious for a person of ordinary skill in the art at the time of the invention was made to use Pokorny in the device of Buus .The motivation would have been to identify the event based key performance indicators [0011]

Buus does not disclose the system of claim 1, wherein the KPI retrieval information includes a filter component specifying a subset of data to be utilized to generate a KPI metric.

Pokorny discloses wherein the KPI retrieval information includes a filter component specifying a subset of data to be utilized to generate a KPI metric.[0224] Queried results may be treated with filters (not shown) in a variety of ways to segregate data, such as segregating delay results according to the slitter position in which the web component of a medical article was slit prior to being used as a raw material.

It would have been obvious for a person of ordinary skill in the art at the time of the invention was made to use Pokorny in the device of Buus .The motivation would have been to segregate data. [0224]

Buus does not disclose the system of claim 1, wherein the data store is a multidimensional OLAP database.

Pokorny discloses the system of claim 1, wherein the data store is a multidimensional OLAP database.[0051]

It would have been obvious for a person of ordinary skill in the art at the time of the invention was made to use Pokorny in the device of Buus .The motivation would have been to present Historical, summarized, and consolidated data in multi-dimensions for maximum analytical use.[0052; 0215]

Buus does not disclose the method of claim 14, further comprising transferring the result document to the client device. A computer readable medium having stored thereon computer executable instructions for carrying out the method of claim 14.

Pokorny discloses the method of claim 14, further comprising transferring the result document to the client device.[0247]

A computer readable medium having stored thereon computer executable instructions for carrying out the method of claim 14.[0290]

It would have been obvious for a person of ordinary skill in the art at the time of the invention was made to use Pokorny in the device of Buus .The motivation would have been for making performance evaluations.

Response to Arguments

10. Applicant's arguments, see remarks , filed 06/15/2009, with respect to claims 1-2,4-26-28-30 have been fully considered and are persuasive. The 35USC 102 rejection of claims 1-2,4-26,28-30 have been withdrawn.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOHN A. ANDERSON whose telephone number is (571)270-3327. The examiner can normally be reached on Monday through Friday 8:00 to 5:00 Pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hani Kazimi can be reached at 571-272-6745. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John A Anderson/

Examiner, Art Unit 3696

John A Anderson

Examiner

Art Unit 3696

/J. A. A./

Examiner, Art Unit 3696

/Hani M. Kazimi/

Primary Examiner, Art Unit 3691